

CHARGE: 403(f)—when shipped, the information required under 403(e) (1), 403(i) (2), and 403(k), namely, the name and address of the manufacturer, packer, or distributor, the statement of ingredients, and the declaration of artificial flavoring, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 7-31-63. Consent—destruction because article had spoiled.

SUGAR AND SIRUP

28927. Sugar. (F.D.C. No. 48676. S. No. 19-025 V.)

QUANTITY: 130 100-lb. bags, at Oklahoma City, Okla., in possession of Central Dairy Products Co.

SHIPPED: 8-17-62, from Three Oaks, La.

LIBELED: 1-18-63, W. Dist. Okla.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 2-4-63. Consent—claimed by Central Dairy Products Co. Segregated; 6,400 lbs. destroyed.

28928. Sirup. (F.D.C. No. 48131. S. No. 58-682 T.)

QUANTITY: 835 cases, each containing 12 12-oz. btls., at Columbus, Ohio.

SHIPPED: 8-28-62, from Oakland, Nebr., by General Syrup Corp.

LABEL IN PART: (Btl.) "Syrup 85% Cane 15% Maple Food Club * * * Distributed by Topco Associates, Inc. Chicago, Illinois."

RESULTS OF INVESTIGATION: Investigation disclosed that the shipper added imitation maple flavor to the sirup.

LIBELED: 9-28-62, S. Dist. Ohio.

CHARGE: 403(i) (2)—when shipped, the article failed to bear a label containing the common or usual name of each ingredient; and 403(k)—the article contained an artificial flavor, namely, imitation maple flavor, and its labeling failed to state that fact.

DISPOSITION: 10-29-62. Claimed by General Syrup Corp., and ordered released for relabeling.

DAIRY PRODUCTS

BUTTER

28929. Butter. (F.D.C. No. 47365. S. Nos. 4-383 T, 25-905 T.)

INFORMATION FILED: 9-14-62, N. Dist. Ohio, against Minerva Dairy, Inc., Minerva, Ohio, and Delbert L. Mueller, vice president.

SHIPPED: 11-15-61 and 12-13-61, from Ohio to West Virginia.

LABEL IN PART: "MINERVA MAID BRAND Creamery Butter MANUFACTURED BY MINERVA DAIRY INC., MINERVA, OHIO WEIGHT 1 POUND."

CHARGE: 402(b) (1)—when shipped, a valuable constituent, namely, milk fat, had been in part omitted from the article; 402(b) (2)—a product which contained less than 80 percent by weight of milk fat was substituted for butter; and 403(e) (2)—(11-15-61 shipment) the label of the article failed to contain an accurate statement of the quantity of contents.

PLEA: Guilty by the corporation to 3 counts; by Mueller to 1 count.

DISPOSITION: 4-5-63. Corporation—\$250 fine, and probation for 1 year; Mueller—\$250 fine suspended.

28930. Butter. (F.D.C. No. 47646. S. No. 22-862 V.)

QUANTITY: 57 64-lb. ctns., at Denver, Colo.

SHIPPED: 2-9-63, from Hillsboro, Kans., by Tip Top Dairies Co.

LABEL IN PART: "Tip Top Dairies Co. Hillsboro, Kansas Butter."

LIBELED: 3-4-63, Dist. Colo.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 per cent by weight of milk fat had been substituted for butter.

DISPOSITION: 4-19-63. Consent—claimed by Tip Top Dairies Co. and re churned.

CHEESE

28931. Grated cheese. (F.D.C. No. 48951. S. Nos. 83-084/5 V.)

QUANTITY: 35 100-lb. bags, at North Bergen, N.J.

SHIPPED: 2-28-63 and 3-20-63, from Hinesburg, Vt., by C. Economou Cheese Corp.

LABEL IN PART: (Bag) "32 Romanello Cheese Mfg. by Economou Cheese Corp. Hinesburg, Vt."

LIBELED: On or about 5-3-63, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 6-27-63. Default—destruction.

MISCELLANEOUS DAIRY PRODUCT

28932. Nonfat dry milk. (F.D.C. No. 48849. S. Nos. 21-100 V, 23-507 V.)

QUANTITY: 101 cases, each containing 12 1-lb. 9.6-oz. pkgs., at Salt Lake City, Utah, in possession of Sunfresh Products of Utah, Inc.

SHIPPED: Between 2-14-63 and 4-4-63, from Eau Claire, Wis., by Dairy Maid Products Co.

LABEL IN PART: (Pkg.) "Flash * * * Instant Nonfat Dry Milk * * * Distributed by Dried Milk Products Co-op., Eau Claire, Wis."

ACCOMPANYING LABELING: Loose-leaf sales manual containing an assortment of 10 different reprints of various newspaper articles and sales literature, and booklet entitled "Medical Reference Material."

RESULTS OF INVESTIGATION: The sales manual had been compiled by the dealer and together with the above booklet was used in promoting sales of the article.

LIBELED: 4-18-63, Dist. Utah.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the article contained false and misleading representations that the article was adequate and effective to promote growth, strength, sound teeth and good digestion, energy, healthy nerves, eyes and skin, sound bones, regulate muscle tissue and nerve processes, long life, physical development, resistance to infection and disease, mental vigor, body weight maintenance, and functioning of vital organs and glands, and for the treatment and prevention of heart attacks and strokes, heart failure, atherosclerosis, arteriosclerosis